

BPS-230

May 18, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 05-5471

UNITED STATES OF AMERICA

v.

HARVEY HOLLAND

(M. D. Pa. Crim. No. 01-cr-00195-6)

(Criminal treated as Civil)

Present: RENDELL, AMBRO and GREENBERG, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) with attachments;
- (2) Appellant's motion for appointment of counsel with attachments; and
- (3) Appellant's memorandum of law in support of request for certificate of appealability and motion for appointment of counsel

in the above-captioned case.

Respectfully,

Clerk

MMW/JJT/je/cmd

ORDER

The foregoing request for a certificate of appealability is denied because, for essentially the same reasons set forth by the District Court, Appellant has not made a substantial showing of the denial of a constitutional right. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); 28 U.S.C. § 2253(c)(2). Appellant's motion for the appointment of counsel is denied. See Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993).

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: June 2, 2006

CMD/cc: Harvey Holland

William A. Behe, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk